

California State Department of Social Services (CDSS)
ICWA WORKGROUP
May 12, 2015 • 1:00pm to 3:30pm
Hosted by CDSS ♦ 744 P Street, Conference Room 9-203
Sacramento, CA 95814

Meeting Notes

SUMMARY OF ACTION ITEMS
<ol style="list-style-type: none">1. Liz DeRouen will follow up later regarding whether or not the Colusa Rancheria will be hosting a full ICWA Conference in October 2015. <i>[Still pending]</i>.2. CDSS will set up a conference call with those wishing to participate for the purpose of reviewing CDSS' overall comments that are due May 19th before they are submitted to the BIA. <i>[Instead of a conference call, CDSS sent an email requesting comments]</i>.

Welcome/Introductions

Review Agenda and Minutes: Nancy Currie chaired this meeting. Frank Canizales gave the opening prayer. Participants and callers introduced themselves to the group. Participants reviewed the minutes.

On phone: Lynn Dutton, Paulie Boynton, Cynthia Alexander, Joni Drake, Najeeb Kamil, Michelle Rainer, Colin Kelley, Marty Comito, Stephanie Weldon, Dorothy Barton, Nancy Bolen, Mary Trimble Norris, among others.

Tribal News/Additions to Agenda: No additions to the agenda were made.

Follow-up on March Action Items: Action items from the March meeting notes were reviewed and the two that were listed have been completed.

Update on Planning for 2015 ICWA Spring Summit and Fall Conference

Lara Walker (Graton Rancheria) provided a brief update. The ICWA Summit will be held June 11, 2015 and hosted by the Federated Indians of Graton Rancheria. The initial registration form that went out did not show the time for the summit, which is 8:30am to 5:00pm. Tribal Caucus will meet from 5 to 8pm on 6/10/15.

Liz DeRouen said that she is still talking with the Colusa Rancheria to work out the details regarding the tribe hosting a full conference in October 2015. She will get back to us.

With regard to the Division 31 Regulations Panel for the ICWA Summit, Maureen Geary asked Karen Gunderson to be the spokesperson to talk about the process at the summit. Maureen clarified that the panel isn't really on the Division 31 regulations, but more of an interactive panel where information is shared and updates on big topics can be given. They would like a CDSS staff person there to talk about where we are with the regulations package.

<p>ACTION 1: Liz DeRouen will follow up later regarding whether or not the Colusa Rancheria will be hosting a full ICWA Conference in October 2015.</p>
--

CDSS Updates

CDSS Tribal Consultation Policy Development: Scott Stevens provided this update. The last in-person meeting was in March 2015, and it was a very productive meeting. Some areas that came out of the meeting: there were concerns with some of the definitions or duplications. The Tribal Advisory Committee (TAC) cleaned up some confusion with that. Our parent agency, the California Health and Human Services Agency (CHHSA) has to finalize their policy before CDSS can finalize its policy. The CHHSA sent out the first draft of their policy in the first week of May to tribal leaders. Departments need to be in alignment with CHHSA's policy. The agency is requiring that each of its departments have a tribal liaison that would be the primary point of contact designated to receive and handle tribal issues. Initially, our policy was only going to be designed for the Children and Family Services Division (CFSD), now we are working with the other tribal programs within DSS with the goal of making this a department wide policy.

Sylvia Deporto asked about the TAC and if it is similar to the ICWA Workgroup. Scott said it was never intended to replace the ICWA Workgroup. It is an advisory committee that helps draft agendas for the consultations. It was said that there needs to be better clarity with regard to the purpose of the TAC as compared to the ICWA Workgroup and the TCPC.

SB 1460 – Tribal Background Checks Update: Vevila Hussey provided this update. Vevila asked if any members of the subcommittee wanted to speak, but none did. Vevila said that there was no time to work out all the limitations in the beginning, so that is what they are doing now. They are working out issues with the DOJ. They are looking at hosting listening sessions to get a larger voice from throughout California. A dedicated email will be created for folks to contact with questions about tribal criminal background checks. Liz DeRouen mentioned there are several bugs that still need to be worked out (e.g., unfunded mechanisms for the fingerprinting, limited waivers, sovereign immunity, CLETS information, Level 1 clearance, exemptions process).

Tribally Approved Homes and Out-of-State Tribes: There was no time for this item as time ran short.

Training for Tribes on State Child Welfare Services: Jennifer Buchholz and Scott Stevens provided this update. After the March ICWA Workgroup, CAPP found \$200,000 in available funding for providing tribal training. A Request for Proposal (RFP) will take at least a year, so that route is not desirable. However, they are looking at a minimum of one year. There needs to be a commitment to use the money before January 2016, or else the funding can be available for other programs to tap into. The CWS training dollars need to be used by June 30, 2015. It was recommended that existing contracts be reviewed and that an amendment can be sought (e.g., CalSWEC and the RTAs). Liz DeRouen suggested California Office of Emergency Services (CalOES), as they receive federal funding from the DOJ for training contracts. Teresa Contreras pointed out that the contracting process is very different from the grant process. Grants, for example, do not need to go to DGS for review, whereas contracts do. Nancy Currie and Maureen Geary suggested that California Indian Legal Services (CILS) be brought into this as well, perhaps as a subcontractor of CalSWEC or an RTA, if CDSS were to contract with CalSWEC or an RTA. This would be good since CILS has already done the leg-work on this, since they are currently in the process of developing child welfare training for tribes. We can then work on an RFP for next year. Frank Canizales recommends that CDSS work on a contract with the Northern RTA and give them the ability to subcontract with CILS.

A Tribal Training Subcommittee was developed. A survey of training and technical assistance needs was distributed. Also distributed was information gathered in an informal survey of tribal training needs among Humboldt County tribes.

Comments Regarding BIA Proposed Changes to ICWA Regulations: Antonio Weary, Liz Sandoval and Kendra Elmendorf provided this update. It was explained that the April 16, 2015 letter to the BIA requesting that a public meeting and tribal consultation be held in California, considering California has more Native American residents than any other state (20% of all federally recognized tribes). CDSS staff also spoke to comments the department provided in its letter dated April 20, 2015, regarding the burden of information collection. Antonio explained that CDSS had a very limited time to provide feedback on this topic. The CDSS is still working on overall comments and will share as soon as they are completed. Those are due to the BIA by May 19, 2015. He encouraged other agencies and individuals to provide their comments as well. He briefly discussed some issues with the changes to the Noticing requirement as follows: Requiring that notices be sent via certified mail to requiring them be sent via registered will have a financial impact; other noticing issues with regard to providing contact information; ICPC noticing requirements; rights of adult adoptees; and the issue having one central location for the maintenance of records by CDSS (of major concern to CDSS). Maureen Geary believes that CDSS' interpretation of WIC 361.31(k), located on page 5 of the 4/20 letter, is not correct...that CDSS is required to keep records, not the counties. Liz Sandoval explained that California's child welfare system is state supervised and county administered. To require a single location for housing all records involving placement of Indian children by the courts would require significant changes to CWS/CMS and SACWIS.

Liz Sandoval mentioned that the BIA's proposed regulations appear to be moving close to where CDSS was already going with the current proposed Division 31 regulations package that is being developed. Frank Canizales did not approve of CDSS' use of the word "burden" to describe the work involved with helping Indian children. Liz suggested that CMS be revamped to accommodate or that other systems be considered. Scott Stevens reminded participants that Jeff Dent came and spoke to the workgroup about the CMS-New System in . It didn't go away, but there was an issue with contracting with a tribal representative to work with CDSS. They will finally have someone on board in July 2015. They will work with tribes to make sure they can work with CMS and the tribes know they can go back and check the appropriate box that indicates they are working with an Indian child. One of the participants suggested that if the state would incorporate ICWA in the case reviews, we could see a lot of noncompliance issues. Nancy Currie feels that counties are not complying because CWS is county administered and state supervised. Antonio apologized for any negative feelings with regard to the 4/20/15 letter and CDSS' comments on the "burden" and cost to the state. It was not meant as an insult; the letter merely focused on the lack of staff and resources for the tasks and the responsibility for information collection.

The CDSS will be highlighting things that are working in California and things that need to change. Nancy and others are concerned about the tone of CDSS' comments and asked if, in its response, if CDSS is supportive of Indian children and families. She encouraged the state to step and take a stand as a whole and express their support rather than expressing ICWA as a burden.

Scott asked if folks want to have a conference call to review CDSS' overall comments that are due May 19th before they are submitted to the BIA.

ACTION 2: CDSS will set up a conference call with those wishing to participate for the purpose of reviewing CDSS' overall comments that are due May 19 th before they are submitted

to the BIA.

Status of Division 31 Regulations: Liz Sandoval and Teresa Contreras provided this update. A copy of the current version of the regulations will be sent out tomorrow. Still have internal review that needs to happen, and expect that the status conference will be in mid-June. They expect some feedback from affected divisions within CDSS. Teresa highlighted items of interest that she thought folks would want to look at. We do not expect many significant changes. We expanded and added language that we thought would promote early active efforts. It was asked if our regulations incorporate what is in the BIA Guideline. Teresa and Liz Sandoval expressed that what we really need to be looking at are the proposed BIA regulations more so than the guidelines.

Continuum of Care Reform

John Sanfilippo provided this report. FCARB is responsible for policy areas: Foster Care eligibility, rates, KinGAP eligibility, rates in group homes. Wanted to briefly give update on CCR: There is a bill (AB 403) that is implementing CA's reform effort...the CCR. There is a report on our website with about 18 recommendations that stakeholders developed. Improving the assessments of children and families to make more appropriate placement decisions, to emphasize home-based care or an FFA-certified home, and taking a look at group homes in CA. Data indicates that children are staying in group homes too long, and it is not an appropriate long-term placement. He encouraged participants to read the report, as it will show that there are significant changes coming soon. SB 403 proposes at this time that CDSS would have one foster care rate for all the GHs (short-term residential placements (STRPs). There are workgroups involved and they are now looking at the foster care family rate structure. FFA workgroup meets May 27th. In the changing of these GHs, there will also be staff training. There is another workgroup that will look at therapeutic foster care. Antoinette Fabela is concerned about many of the homes closing and emergency receiving homes instead being created.

Judicial Council of California Update

There was no time for this item as time ran short.

Debrief from NICWA Conference

Frank Canizales provided a brief report. Scott provided a PowerPoint presentation at the conference and briefly showed it to the workgroup. One of the slides indicated that there were over 43,000 children not asked if they were ICWA eligible. There were about 7-8 panel members for the TCPC at the conference. The panel explained how the TCP process had evolved, PL 280 state, presidential and governor directives. Explained that 12% of all Native Americans within the United States live in California. CDSS will put the PPT online on our website and will send out to the workgroup. NICWA had record high attendance: 1,119, 200 tribes rep, 159 speakers, and 35 exhibitors.

County Updates

Alameda County: Sylvia Deporto spoke about CQI quality case reviews. Group would like to have a tribal representative on the advisory committee. Next meeting is June 2 from 10 to 2 or 3pm. She will send an email to Nancy and she will make sure it gets out to the workgroup.

Next ICWA Workgroup Meeting Discussion

Topics for Next Agenda: The next workgroup meeting is scheduled for July 14, 2015 in the Northern Region (tribal host). However, the workgroup has opted out of having a full meeting in July, due to the ICWA Conference (or in this case, the Summit) being held in June. Maureen suggested we have a July meeting to follow up on issues that are pending. Therefore, CDSS will host the July and September 2015 meetings.

Other Issues

None were mentioned at the meeting. However, the tribal caucus added a topic to the March meeting agenda that was not covered. Suggest adding to the September agenda: Adoption Issues (re: TCA) and Regionalization of Licensing.

Adjournment

The meeting adjourned at 4:10 p.m.